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EXAMINER

SAETHER, FLEMMING

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6, 8, 9, 14, 15, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Berner (US 3,516,324). Berner discloses an anchor comprising two pair of main slots (6 and 7) defining main longitudinal anchoring tongues (20) therebetween on opposites sides of an axial plane (read as in a vertical orientation in Fig. 4); the main slots also being in the axial direction thus would be parallel to the plane; secondary longitudinal slots (5), having a overall length different from the first slots, which lie adjacent the longitudinal slots (at 23) forming secondary anchoring tongues (17 and 18). In regards to claim 14, it should be noted that these secondary anchoring tongues can be of different widths than the main tongues (column 3, line column 3, line 65-67) also, in regards to claim 17, they are on opposite sides of the axial plane (shown vertical in Fig. 4). Berner further discloses the longitudinal angular ribs (at the corners of the slots) and the serrations (at 13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 8, 9, 14, 15 and 17-19 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nehl (US 2002/0076297). Nehl discloses an anchor comprising two pair of main slots (28) defining main longitudinal anchoring tongues (14) therebetween on opposites sides of an axial plane (read as in a Horizontal orientation in Fig. 3); the main slots also being in the axial direction thus would be parallel to the plane. Nehl discloses a secondary longitudinal slots within the members (16), adjacent the main slots, forming secondary anchoring tongues (24) wherein the secondary slots are shorter than the main slots (see Fig 7). It should be recognized that the term "slot" is not required to be completely through the wall and while the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Alternatively, it would have been obvious for one of ordinary skill in the art to extend the secondary slots to be completely through the wall because it is obvious to experiment with variations for use in either the same field or a different one based on design incentives or other market forces because the variation would have been predictable to one of ordinary skill in the art. See MPEP 2143.

In regards to claim 14, it should be noted that these secondary anchoring tongues are of different widths than the main tongues (see Fig. 3) also, in regards to claim 17, they are on opposite sides of the axial plane (shown horizontal in Fig. 3). Nehl further discloses the longitudinal angular ribs at the corners of the slots.

Claim 4 is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Nehl as applied to claim 1 above, and further in view of Berner. Berner discloses the serration lacking in Nehl. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the anchor of Nehl with serrations as disclosed in Berner in order for it to be better retained within an aperture.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berner or Nehl as applied to claim 1 above, and further in view of Sundstrom (US 5,205,668). Sundstrom discloses an anchor having a collar (10), flange (11), projecting appendixes (12) and head (4). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the anchors of Berner and Nehl with the a collar, flange, projecting appendixes and head as disclosed in Sundstrom in order to facilitated the anchor being properly positioned in a hole and preventing its rotation in the hole.

Conclusion

Applicant's remarks have been considered but, are moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Flemming Saether
Primary Examiner
Art Unit 3677

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